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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,135	12/12/2001	Shah Mohammad Rezaul Islam	SJO920010197US1	2873
29683	7590	07/26/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			NGUYEN, VAN KIM T	
			ART UNIT	PAPER NUMBER

2151

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,135

Applicant(s)

REZAUL ISLAM ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16-26, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 11-15 and 27-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date December 12, 2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 16-17, 19-20 and 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen (US 6,772,204).

As shown in Figures 1-9, Hansen discloses a method of updating a system configuration comprising:

presenting (displaying) a plurality of selections (e.g., pull-down menus or pull-down menu bar) for updating a system configuration from predetermined mode (e.g., “file”, “edit”, “network”, “window”, “help”);

receiving (selecting) a selected mode (e.g., “file”, “edit”, “network”, “window”, “help”);  
and

executing the selected mode (e.g., if “file” mode is selected, available file commands are displayed, i.e., “new”, “open”, “save”, “save as”, “print”, “print setup”, and “exit”; col. 9: line 61 – col. 11: line 17).

Regarding claims 17 and 33, Hansen also discloses a storage system (6), (col. 5: lines 50-53).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 18, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia (US 2002/0198975), and further in view of Chen et al (US 5,819,030), herein after Chen.

Regarding claims 2, 18, and 21, Hansen discloses a method of updating a system configuration comprising substantially all the claimed limitations, except the predetermined modes also comprising a schedule queued mode, a queued mode, and an optimized mode.

As shown in Figure 2, Bogia teaches the predetermined modes comprise an immediate mode, a scheduled queued mode, and a queued mode (para 0015).

Hansen and Bogia disclose analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Bogia's method in Hansen's system, motivated by the need to be capable to change system's configuration remotely.

However, the combination of Hansen and Bogia does not call for the predetermined mode including an optimized activation mode.

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As shown in Figures 1-5, Chen discloses an optimized activation mode (abstract).

The combination of Hansen and Bogia, and Chen teach analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Chen's method in the combination of Hansen and Bogia's system, motivated by the desire to derive to the most optimized system.

Regarding claims 3 and 22, the combination of Hansen, Bogia, and Chen also teaches the immediate mode comprising the steps of receiving a configuration change request from a user; and activating the change request immediately (Hansen: col. 11: lines 18-23; and Bogia: para 0015).

The combination of Hansen and Bogia, and Chen teach analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Chen's method in the combination of Hansen and Bogia's system, motivated by the desire to derive to the most optimized system.

Regarding claims 4-5 and 23, the combination of Hansen, Bogia, and Chen the scheduled queued mode comprising the steps of receiving configuration changes from a user; queuing all the change requests; and activating the change requests at a predetermined time (Bogia: para 0015).

The combination of Hansen and Bogia, and Chen teach analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Chen's method in the combination of Hansen and Bogia's system, motivated by the desire to derive to the most optimized system.

***Claim Rejections - 35 USC § 103***

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, further in view of Chen, and further in view of Jones et al (US 5,771,381), hereinafter Jones.

The combination of Hansen, Bogia, and Chen discloses substantially all the claimed limitations, except the predetermined time is relative to a triggering event.

As shown in Figures 1-7, Jones teaches predetermined time is relative to a triggering event, i.e., as the user logging off (col. 14: lines 43-61).

The combination of Hansen, Bogia, and Chen, and Jones teach analogous arts, relating to system and method of updating a system configuration; thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Jones' technique of controlling the actions of a network target, motivated by the need to coordinate configuration changes.

***Claim Rejections - 35 USC § 103***

6. Claims 8-9 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, and further in view of Jones.

The combination of Hansen and Bogia discloses substantially all the claimed limitations, i.e., receiving configuration change requests from a user; and queuing the configuration change requests upon receiving a triggering event comprising at least one of the user manually activating the change requests and n the user enabling an immediate mode (Hansen: col. 11: lines 18-23; and Bogia: para 0015).

However, the combination of Hansen and Bogia does not call for activating the configuration change request upon the user logging off.

As shown in Figures 1-7, Jones teaches predetermined time is relative to a triggering event, i.e., as the user logging off (col. 14: lines 43-61).

The combination of Hansen and Bogia, and Jones teach analogous arts, relating to system and method of updating a system configuration; thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Jones' technique of controlling the actions of a network target, motivated by the need to coordinate configuration changes.

***Claim Rejections - 35 USC § 103***

7. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, further in view of Chen, and further in view of Gold et al (US 6,701,450), hereinafter Gold.

The combination of Hansen, Bogia, and Chen discloses substantially all the claimed limitations, i.e., receiving a configuration change request from a user; determining the optimized mode; and activating the change request (Hansen: col. 11: lines 18-23; Bogia: para 0015; and Chen: abstract).

However, the combination of Hansen, Bogia and Chen does not call for determining if a system is in a disaster recovery mode, and activating the change request if the system is in a disaster recovery mode.

As shown in Figures 1-5, Gold teaches determining whether a system is in disaster recovery mode and activate proper response to restore the computer system (abstract).

The combination of Hansen, Bogia, and Chen and Gold teach analogous arts, relating to updating system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Gold's method of recovery in the combination of Hansen, Bogia, and Chen's system, motivated by the need to coordinate configuration changes in order to avoid prolonged system outages and substantial data loss.

***Allowable Subject Matter***

8. Claims 11-15 and 27-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:



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Claims are considered allowable when reading the claims none of the references of record, in light of the specification, alone or in combination disclose or suggest the combination limitations specified in the dependent claims including comparing a priority rating for the change request to a priority rating for end-user disruption; and queuing the change request for rating is lower than the end-user disruption rating.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen  
Examiner  
Art Unit 2151

vkn

  
**ZARNI MAUNG**  
**SUPERVISORY PATENT EXAMINER**